

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA

ASHEVILLE DIVISION

CARYN DEVINS STRICKLAND,

Plaintiff,

v.

UNITED STATES, *et al.*,

Defendants.

Civil No. 1:20-cv-00066-WGY

MOTION TO POSTPONE OCTOBER 26, 2022 HEARING

Plaintiff Caryn Devins Strickland respectfully requests that this Court postpone the summary judgment/scheduling hearing that is currently scheduled for October 26, 2022 until the Fourth Circuit has ruled on her emergency motion to stay the district court proceedings pending appeal. *See* ECF No. 148, Ex. A (motion). Previously, this Court continued the hearing “[i]n view of the scheduling order” of the Fourth Circuit. ECF No. 150. For the same reasons, a further continuance of the hearing would be appropriate. An intercourt panel has been publicly identified for the appeal, Doc. No. 38 (22-1963), but the panel has not yet ruled on the motion to stay. Because the hearing involves the same matters that are the subject of both a pending appeal and an emergency stay motion, Strickland requests that the hearing be postponed until the Fourth Circuit has ruled. *See* Ex.

October 18, 2022 There is no substantive reason to postpone the hearing on the plaintiff's motion for partial summary judgment as it is not implicated in the plaintiff's attempt to secure an intercourt panel. Nevertheless, although this hearing has long been scheduled, the Court will continue it until Monday, October 31, 2022 at 3:00 p.m. due to Professor Kern's absence. There will be no further continuances.

While the Court has not denied plaintiff's motion for preliminary injunction, functionally or otherwise - the Court combined its hearing with trial on the merits as it is authorized to do pursuant to Fed. R. Civ. P. 65(e) - the Court will defer further scheduling of such hearing until the Court of appeal has acted on the plaintiff's application. William A. Young, District Judge